

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JASON D. HINE,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner,
Social Security Administration,

Defendant.

Case No. 14-11135

Honorable John Corbett O'Meara

ORDER GRANTING PLAINTIFF'S MOTION FOR ATTORNEY'S FEES

This matter came before the court on Plaintiff's counsel's July 21, 2015 motion for attorney's fees. Defendant filed a response August 10, 2015; and Plaintiff's counsel filed a reply brief August 17, 2015. No oral argument was heard.

Attorney Rober K. Gaecke, Jr., plaintiff Jason D. Hine's counsel, seeks an award of attorney fees in the amount of \$9,403.50 pursuant to 42 U.S.C. § 406(b). The Commissioner does not object to the award.

Gaecke also seeks an award of attorney fees in the amount of \$9,155.43 pursuant to 28 U.S.C. § 2421(d), the Equal Access to Justice Act ("EAJA"). Although the Commissioner concedes that Gaecke is entitled to an award under the EAJA, she objects to the amount he has requested. The Commissioner "requests that Plaintiff's fee be reduced to \$6,031.25, representing an hourly rate of \$125.00 for the 48.25 hours of work performed on this case" Def.'s br. at 1.

This court has recently granted attorney fee awards close to the requested rate of \$189.75 per hour. See Pizzo v. Commissioner of Soc. Sec., 2014 WL 7157129 (E.D. Mich. Dec. 15, 2014) (awarding \$187.02 per hour); McClure v. Commissioner of Soc. Sec., 2014 WL 4801830 (E.D.

Mich. Sept. 23, 2014) (awarding \$187.13 per hour); and Drake v. Commissioner of Soc. Sec., No. 14-12662 (E.D. Mich. Feb. 24, 2015) (stipulated award in the amount of \$189.75 per hour). Based on these comparable fee awards, particularly the recent stipulation in Drake, this court will grant Gaecke's request for attorney's fees based on an hourly rate of \$189.75 per hour.

ORDER

It is hereby **ORDERED** that Plaintiff's counsel's motion for attorney's fees is **GRANTED**.

s/John Corbett O'Meara
United States District Judge

Date: October 14, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, October 14, 2015, using the ECF system.

s/William Barkholz
Case Manager